

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|---------------------------|---|---|--|
| Investigator: Yolexis Rodriguez | Team: Squad #11 | CCRB Case #: 201900365 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 01/08/2019 3:00 PM | Location of Incident: Lafayette Avenue and Tiffany Street | Precinct: 41 | 18 Mo. SOL 7/8/2020 | EO SOL 2/22/2021 | |
| Date/Time CV Reported Mon, 01/14/2019 1:08 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Mon, 01/14/2019 1:08 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. POF Margeune Castillo | 20240 | 962296 | 041 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-----------------------|-----------|--------|----------|
| 1. POF Yareimi Ocasio | 19498 | 962392 | 041 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| A.POF Margeune Castillo | Discourtesy: Police officer Margeune Castillo spoke discourteously to § 87(2)(b) | |

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB on January 14, 2019. On January 14, 2019, at approximately 3:00p.m., § 87(2)(b) was driving east bound on Lafayette Avenue in the Bronx. When he reached the intersection of Lafayette Avenue and Tiffany Street, a marked police vehicle struck § 87(2)(b)'s vehicle. PO Margeune Castillo and PO Yareimi Ocasio of the 41st Precinct exited the police vehicle and approached § 87(2)(b). Upon approaching § 87(2)(b)'s vehicle, PO Castillo asked § 87(2)(b) "What the fuck are you doing?" (**Allegation A – Discourtesy**, § 87(2)(g))

Findings and Recommendations

Allegation (A) Discourtesy: PO Margeune Castillo spoke discourteously to § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on January 22, 2019 [**Board Review 01**]. He testified that the traffic light was green when he was driving along Lafayette Avenue near the corner of Tiffany Street. As § 87(2)(b) was driving, he was struck by a marked police SUV. Within seconds PO Castillo exited the police vehicle and approached § 87(2)(b)'s vehicle, screaming "What the fuck are you doing?". Seconds later, PO Ocasio approached the vehicle, standing approximately three feet away. § 87(2)(b) told PO Castillo that he had the light and she replied saying that she was responding to a 911 call [**Board Review 04**].

PO Castillo was interviewed at the CCRB on February 13, 2019 [**Board Review 02**]. PO Castillo testified that she was at the scene of a car accident when she and PO Ocasio left to respond to a 10-13 at another location. PO Castillo was the operator and drove with lights and sirens on. While en route to the second location, PO Castillo's RMP struck § 87(2)(b)'s vehicle at the intersection of Lafayette Avenue and Tiffany street. PO Castillo and PO Ocasio exited the RMP and approached § 87(2)(b)'s vehicle. PO Castillo and PO Ocasio asked § 87(2)(b) if he was OK. § 87(2)(b) said that he was fine though he was still in shock. PO Castillo told § 87(2)(b) to let her know if he needed an ambulance. There was no other subject of conversation between PO Castillo and § 87(2)(b) aside from her asking § 87(2)(b) if he was OK. PO Castillo did not ask § 87(2)(b) "What the fuck are you doing?". She did not use any profanity when speaking with § 87(2)(b).

PO Ocasio was interviewed at the CCRB on February 13, 2019 [**Board Review 03**]. After the collision, PO Ocasio and PO Castillo exited the RMP and approached § 87(2)(b). PO Ocasio asked § 87(2)(b) if he needed an ambulance to which he said that he needed a minute because he was still in shock. PO Ocasio told § 87(2)(b) that if he wanted an ambulance he could let her know. § 87(2)(b) was on the phone with someone and said that he did not want an ambulance. PO Ocasio testified that the conversation with § 87(2)(b) was normal. § 87(2)(b) did not argue with PO Ocasio and PO Castillo. He did not raise his voice; PO Ocasio and PO Castillo did not raise their voices when speaking with § 87(2)(b). PO Castillo did not ask § 87(2)(b) "What the fuck are you doing?". She did not use any profanity

when speaking with § 87(2)(b). PO Ocasio did not hear § 87(2)(b) complain to other officers that PO Castillo used profanity when speaking to him.

§ 87(2)(g)
§ 87(2)(b) testified that PO Castillo asked, "What the fuck are you doing?" when she approached his vehicle. PO Castillo testified that she did not ask this question or use any profanity when speaking with § 87(2)(b). PO Ocasio testified that she did not observe PO

Castillo ask § 87(2)(b) “What the fuck are you doing?” or use profanity when speaking to him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) [Board Review 06]
- PO Margeune Castillo has been a member of service for 2 years and has no other allegations against her.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
 - On February 14, 2019, a Notice of Claim request was submitted to the New York City Comptroller’s Office and will be added to the case file upon receipt.
 - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b)

Squad No.: _____

Investigator: _____

| | | |
|-----------|--------------------|------|
| Signature | Print Title & Name | Date |
|-----------|--------------------|------|

Squad Leader: _____

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| Signature | Print Title & Name | Date |
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Reviewer: _____

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